

### **REMARKS/ARGUMENTS**

The Office Action of February 10, 2006, has been carefully reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested.

#### ***Rejections Under 35 U.S.C. § 102***

Claims 1-3, 5-8, 11, 33-35, 37-43, and 45 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,094,587 to Armanto et al. (*Armanto*). This rejection is respectfully traversed.

With regard to independent claims 1, 33, and 40, Applicants reassert the arguments put forth in the Amendment submitted on July 26, 2005. Namely, these claims relate to the transmission of user profile information to a communication terminal, rather than just a ring tone as disclosed in *Armanto*. Since *Armanto* does not disclose communication of user profiles, and does not even mention the term “profile”, Applicants submit that independent claims 1, 33, and 40, and all of their respective dependent claims, are thus not anticipated by *Armanto*.

In addition to the arguments made in previous Amendments, Applicants feel strongly that several dependent claim features in the instant application are patentable over the art of record, and submit that prosecution might be more quickly advanced by focusing on those features.

Claim 2 recites, in part, “wherein the message includes ... at least one graphical picture.” The office action alleges that this feature is taught by the “graphic stave” of *Armanto*’s user interface. *Armanto*, Col. 12, lines 30-40. However, *Armanto*’s graphic stave is not included in the message. Instead, in *Armanto*, “the ringing tone is transformed into characters and the characters are sent to the telephone, e.g., in a short message.” Abstract. At column 12, lines 1-6, *Armanto* describes further:

In the actual transmission, the characters are sent one after another without spaces, i.e., as an unbroken bit sequence. Thus, for each ASCII character, there is a specific hexadecimal and binary form, in which case the examples presented above for specifying notes by means of ASCII characters can be transformed into binary characters.

*Armanto* only discloses transmitting ASCII or MIDI characters in messages, never pictures or graphics. *Armanto*’s graphic stave is used within a user interface to allow a phone user to

program ring tone data, which might later be sent as characters. Col. 12, lines 35-39. This stave is always generated at the terminal on which it is displayed; it is never transmitted in a message to another terminal. Thus, *Armanto* does not teach transmitting or receiving a message, “wherein the message includes ... at least one graphical picture”, as recited in claims 2, 34, and 43. Accordingly, Applicants submit that these claims, as well as dependent claims 3, 5, 8, 35, 37, and 45, are not anticipated by *Armanto*.

Additionally, with respect to claims 5, 37, and 45, *Armanto* fails to disclose transmitting a message, “wherein the message includes bookmark information defining the location of a server document.” The office action states, “[i]t is inherence that most of phones would display a phone number, which defines the location of caller.” Office Action, page 6. Although *Armanto*’s phones might display phone numbers, *Armanto*’s message does not include any phone numbers. As stated above, *Armanto* only discloses transmitting a ring tone as ASCII or MIDI characters in messages, never contact information, bookmarks, or other profile information. Thus, for this additional reason, claims 5, 37, and 45 are not anticipated by *Armanto*.

Similarly, claim 11 recites, in part, “wherein the message furthermore includes a name label for the profile.” In contrast, *Armanto* does not disclose transmitting a name label with its message. The office action alleges that the “music clef” of Figure 7b is such a label. Office Action, page 5. However, if this music clef is a label, it is not a “name” label, since it does not include or disclose a name. Furthermore, as discussed above in relation to the graphic stave, this music clef is not included in the message, but generated at the terminal on which it is displayed. Thus, *Armanto* does not disclose a message, “wherein the message furthermore includes a name label for the profile”, as recited in claim 11. Accordingly, claim 11 is not anticipated by *Armanto*.

With respect to claims 6, 38, and 41, *Armanto* fails to disclose, “wherein the remote server is a terminal, providing promotional content.” *Armanto* does not disclose or even suggest transmitting “promotional content”, as recited in these claims. The office action cites *Armanto*, col. 9, lines 17-25, as disclosing promotional content. However, the cited passage simply describes the architecture of a mobile device; it is completely unrelated to promotional content. Thus, *Armanto* fails to disclose a server “providing promotional content”, as recited in claim 6, 38, and 41. Accordingly, Applicants submit that claims 6, 38, and 41 are not anticipated by *Armanto*.

***Rejections under 35 U.S.C. §103***

Claims 4, 9, 10, 36, and 44 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Armanto* in view of U.S. Patent No. 6,658,254 to Purdy et al. (*Purdy*). Based on their respective dependence from independent claims 1, 33, and 40, and since *Purdy* also fails to teach transmitting user profile information to or from a communication terminal, claims 4, 9, 10, 36, and 44 are not obvious over the alleged combination of *Armanto* and *Purdy*.

**CONCLUSION**


All rejections having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same. However, if for any reason the Examiner believes the application is not in condition for allowance or there are any questions, the Examiner is requested to contact the undersigned at (202) 824-3153.

Respectfully submitted,

BANNER & WITCOFF, LTD.

Dated this 11th day of April, 2006

By:

  
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